IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 10418 of 2007(S)

OA.173/2006 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
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PETITIONER:
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1. DIRECTOR OF ACCOUNTS (POSTAL),
KERALA CIRCLE, GPO COMPLEX,
TRIVANDRUM - 695 001.

2. THE CHIEF POSTMASTER GENERAL,
KERALA CIRCLE,
TRIVANDRUM - 695 033.

3. UNION OF INDIA, REPRESENTED BY ITS
SECRETARY, MINISTRY OF COMMUNICATIONS,
NEW DELHI.

BY ADV. SRI.JOHN VARGHESE, ASSISTANT SG

RESPONDENTS:

J.KRISHNANKUTTY, S/O.LATE JANARDHANAN,
GROUP D, NON TEST CATEGORY O/O DIRECTOR OF
ACCOUNTS, KERALA CIRCLE, TRIVANDRUM
RESIDING AT PUTHENVILA VEEDU, THURUVICKAL,
TRIVANDRUM MEDICAL COLLEGE, TRIVANDRUM - 695 011.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. Koshy & T.R. Ramachandran Nair, JJ.

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W.P.(C).NO.10418 of 2007-S

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Dated this the 27th day of March, 2007

JUDGMENT

T.R. Ramachandran Nair, J.

The writ petitioners challenge Ext.P3 order of the Central Administrative Tribunal, Ernakulam Bench in O.A. No.173/2006. The respondent herein who was the applicant in the O.A. challenged the fixation of his pay on his regular appointment as Group D and sought for protection of the pay drawn by him as a temporary status Casual Labourer.

2. The facts of the case shows that the respondent commenced service as a Casual Labourer in RMS TV Division, Thiruvananthapuram and he was conferred with temporary status under the relevant scheme with effect from 1.1.1995 as per Annexure A1 order produced in the O.A. Subsequently, he was appointed as a Group D in non-test category on 15.7.2005 and his pay was fixed at the minimum time scale at Rs.2550/-. But before his appointment and regularisation as Group D, he was drawing a basic pay of Rs.3080/- with allowance as a temporary status Group D. Thus, when he was regularised, the emoluments stood reduced. Even though he filed a representation seeking to protect his earlier pay , that was

rejected by Annexure A7. Before the Tribunal, the respondent relied upon the decision of the Tribunal in O.A. No.552/2003 on the same issue which was already implemented by the petitioners herein.

3. The matter was elaborately considered by the Tribunal and it was observed that Anneuxre R1 relied upon by the petitioners was set aside in O.A. No.1051/1998 by the Hyderabad Bench and the same ratio was followed by the Tribunal in O.A. Nos.1373/1999, 275/2002 and 552/2003. The above orders of the Tribunal has been upheld in Writ Petition No.13244/2001 by this court. Hence, the Tribunal set aside Annexures A3 and A7 orders and directed the petitioners to refix the pay of the applicant after protecting the pay drawn by him as a temporary status casual labourder and to grant consequential benefits.

4. Even though the counsel for the petitioners argued that the view taken by the Tribunal is not correct, we are not impressed by the argument. The period of service rendered by the respondent as a temporary status casual labourer for 10 years cannot be effaced at all. In view of the decision rendered by various Benches of the Tribunal as well as the judgment in O.P.No.13244/2001 rendered by this court, the argument of the petitioners does not stand scrutiny. Apart from that, the applicant was drawing a higher pay when he was working as a temporary status casual labourer and

there is no justification to reduce his pay when he was regularised in service as a Group D. He is entitled for protection of the pay also.

Accordingly, the writ petition fails and the same is dismissed.

(J.B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)

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